



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alleman )  
Serial No.: 08/798/115 )  
Filed: 02/12/97 )  
Title: Interactive Telephone System )  
For Optimizing Service )  
Economy )

Examiner: Matar

Group Art Unit: 2601

DECLARATION OF WYATT AND  
DECLARATION OF CURTRIGHT FOR  
CONSIDERATION OF APPLICATION  
APPEAL

Honorable Commissioner of Patents and  
Trademarks  
Washington, D.C. 20231

This application has been finally rejected. For purposes of appeal, please enter the  
attached **Declaration of Curtright** and **Declaration of Wyatt**.

Respectfully submitted,

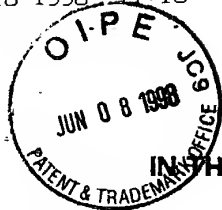
BRYAN, HINDSHAW & BARNET  
425 California Street, Suite 900  
San Francisco, California 94104  
(415) 296-0800

Dated this 4th day of June, 1998

By: John P. Sutton  
Registration No. 22,430

AF / *D. Johnson*  
# 32 9-17-98  
*Declaration*

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alleman	)	Examiner:	Matar
		)		
Serial No.:	08/798/115	)	Group Art Unit:	2601
		)		
Filed:	02/12/97	)	DECLARATION OF WYATT	
		)		
Title:	Interactive Telephone System	)		
	For Optimizing Service Economy	)		

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Perry Wyatt, under penalty of perjury, declares:

1. International Callback is the term the industry uses to describe the invention of Dr. Alleman in the above identified application. I am the president of Paragon International, owner of the patent application, and one of the many users of the invention.
2. The trade press has described the business of international callback, as claimed in the patent, as a billion dollar a year business annually by all of the participants. The reason for the rapid rise in the business is that foreign countries see regulation and taxing of telephone service as a source of revenue. If the fees and taxes are reduced, then the government revenue is reduced.
3. The United States, on the other hand, has largely deregulated long distance telephone service, so that competition is fierce. Increased competition and little government regulation means that consumers get the lowest possible price for long distance telephone service.

4. International callback allows consumers in foreign countries to benefit from the deregulated telephone service available in the United States through direct inward dialing and an automated service. By international treaty, no one can be charged for a telephone call that is not completed to the called party. By using DID, a subscriber can notify the automated service that he wants a callback without completing a toll call.

Then, by simply entering the number to be called on the callback line from the service, two outbound lines from the United States connect the subscriber and the called party, usually at substantial savings over calls originating in foreign countries.

5. International callback has filled a need in the international telephony business for many years. However, it is being supplanted by two developments that eventually will replace international callback in many locations. First, there are activities in some countries to increase competition, replacing state-owned or controlled monopolies.

Where a foreign government allows it, companies that previously engaged in international callback are investing in switching networks based upon interconnection agreements between entities in the United States and in particular foreign countries.

The switches are at Points of Presence, which permit low cost telephone connections between switching centers in a network, and relatively lower cost service between the Point of presence and the called party.

6. For Example, Exhibit 1 is a press release from Viatel, Inc. dated September 29, 1997. It states that the company has 30 operational switching and interconnection locations in Europe, enabling trans-Atlantic telephone calls from New York. The result is that Viatel will replace its international callback business in western Europe with

interconnecting switches. Much of the international callback business is between callers and called parties in Europe. To the extent users turn to Point of Presence switches for these calls, the invention of the Alleman patent will be less used.

7. Exhibit 2 is a press release from Telegroup, Inc. dated January 6, 1998. It claims that Telegroup will have 30 locations for its Points of Presence by the end of 1998. As with Viatel, this usage will diminish the use of the invention of the Alleman patent application for international callback.

8. The second major shift away from international callback is Internet Protocol, which converts voice communications into packets of data sent over the Internet at low cost. At the present time, the quality of service on the Internet does not equal that available on existing voice networks, but the technology is rapidly advancing, and the cost is very low.

9. Exhibit 3 is a press release dated January 20, 1998, from Level 3 Communications regarding Internet Protocol.

10. Exhibit 4 is a press release dated January 19, 1998, from IDT Corporation, a company previously engaged in international callback, launching a new telephony service on the Internet.

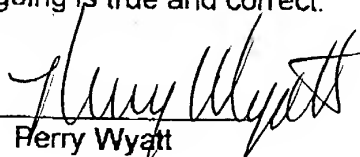
11. Exhibit 5 is a press release dated January 21, 1998, from RSL Communications Ltd. regarding Internet Telephony service from the United States to Hong Kong, Israel, Cali and Bogota, Columbia, and Sao Paulo, Brazil.

12. The delay in issuance of the patent on Dr. Alleman's invention means that my company has been deprived of substantial licensing income from users of the

international callback invention. As the use of the invention declines, the loss of revenue will increase, and the seventeen year term of the patent will have substantially reduced value, as compared with the issuance of the patent nearer to the filing date of the application in 1992.

I declare under penalty of perjury that the foregoing is true and correct.

23 April, 1998  
date

  
Perry Wyatt



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Title: Interactive Telephone System )  
For Optimizing Service Economy )

Examiner: Matar  
Group Art Unit: 2601

DECLARATION OF CURTRIGHT

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Gale H. Curtright, Jr., under penalty of perjury, declares:

1. I make this declaration of my own personal knowledge. I am familiar with the invention described and claimed in the above-identified application. I have no interest in the invention, and I am not employed by or retained by the inventor or the assignee of this application.
2. I have a bachelor's degree from the University of Kansas in 1954.
3. I have spent my professional career in telephony, beginning in 1956, when I was employed by United Utilities, the parent of United Telephone Company of Missouri, Kansas, and Arkansas, independent telephone exchange companies. I was employed in Kansas City with that telephone company until 1971.
4. In 1971, I went to work for Central Telephone and Utilities (subsequently Centel), a local exchange telephone company in Lincoln, Nebraska, in distribution of communication products.
5. In 1980, I went to work for Lincoln Telephone and Telegraph Company (subsequently Alliant Communications) in Lincoln, Nebraska.

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6. In 1983, I went to work for Telematic Products, Inc., Redmond, Washington, having all western states as sales territory for telephone switching and call control facilities.

7. In 1984, I went to work for U.S. Switch, Inc., a long distance network company organized both to assist local exchange carrier companies and provide cellular non-wireline service bureau operations in Longwood, Florida.

8. In 1986, I became a telecommunications consultant. My first engagement was a consultant to Mid-American Long Distance Company, Omaha, Nebraska, to design and implement long distance service products.

9. In 1989, I became a consultant to TeleNational Communications, Inc. (TNC), Omaha, Nebraska. I designed and implemented a system for operator-assisted, international calling utilizing international 800 number circuits. In 1991, Dr. Alleman came to TNC to try to interest the company in his invention now known as international callback. Although that company did not invest in the invention at the time, I was impressed by the economic benefits flowing from the invention and its simplicity. My project, termed International Message Telephone Service (IMTS) did not utilize direct inward dialing, and accordingly was far more expensive for users than the system invented by Dr. Alleman. Without question Dr. Alleman's system was far superior to my own.

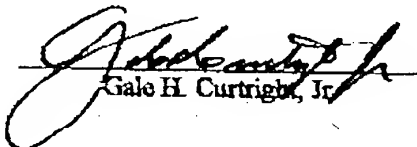
10. In 1991, I was a telephony consultant having ordinary skill in international telephone equipment and systems. The invention of international callback as described and claimed in the application was not obvious to me in 1991, when I met Dr. Alleman.

12. In my view, the application accurately and completely describes and claims international callback as invented by Dr. Alleman. Additionally, to my knowledge, no one in the international discount calling plan companies in the period 1989 and 1990 used direct inward dialing (DID) or the invention described in the application. I am aware of no prior art that describes or suggests the system invented by Dr. Alleman.

I declare that all statements made on my own knowledge are true, and I have been warned that willful false statements and the like are punishable by fine or imprisonment or both under 18 U.S.C. - 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated this 16th day of March, 1998

  
Gale H. Curtright, Jr.